

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.29167 of 2019

SPN Sathyamurthy
(Managing Partner, East-West Resorts)
(Sathyam Grand Hotels)
No.145, Chennai - Bangalore Highways
Sriperumpudur
Kancheepuram District.

... Petitioner

Vs.

1.The Assistant Superintendent of Police
Sriperumpudur Sub Division
Kancheepuram District.

2.James Fredrick
S/o Samuel
No.5/42, Marutha Apartments
13th Avenue, Harrington Road
Chetpet, Chennai - 600 031.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records forming part of the impugned notice dated 29.09.2019 in C.No.186/SDO/SPR/2019 on the file of the 1st respondent herein and quash the same and consequently direct the 1st respondent to not to enquire into the false and frivolous complaints given by the 2nd respondent, to the 1st respondent which is purely civil in nature.

For Petitioner : Mr.V.Jayaprakahsh
For 1st Respondent : Mr.K.Prabakar
Additional Public Prosecutor
For 2nd respondent :No Appearance

ORDER

The petitioner is before this Court with the prayer to call for the records forming part of the impugned notice dated 29.09.2019 in C.No.186/SDO/SPR/2019 on the file of the 1st respondent herein and quash the same and consequently direct the 1st respondent to not to enquire into the false and frivolous complaints given by the 2nd respondent, to the 1st respondent which is purely civil in nature.

2.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that the impugned notice dated 29.09.2019 in C.No.186/SDO/SPR/2019 is nothing but a summon issued to the petitioner herein to enquire into the complaint lodged by the 2nd respondent herein. It is only a summon and also the petitioner has sought for a direction that not to enquire into the false and frivolous complaints given by the 2nd respondent herein to the 1st respondent. Such a prayer cannot be maintainable in accordance with law. He further submitted that on the complaint lodged by the 2nd respondent, the 1st respondent already completed enquiry as early as on 25.02.2020.

3.Recording the said submission made by the learned Additional Public Prosecutor, the Writ Petition stands closed. No Costs. Consequently connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To
The Assistant Superintendent of Police
Sriperumpudur Sub Division
Kancheepuram District.

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W.P.No.29167 of 2019

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